THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8587 of 2007

Dated:24.04.2007

Between:

Sri Atluri Sreedhar.

... Petitioner

AND

The Mandal Revenue Officer and another.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8587 of 2007

ORDER:

The petitioner herein purchased the land admeasuring Ac.0.50 cents in R.S.Nos.194/23, 194/24, 194/25, 194/26 and 194/27, and another extent of Ac.0.21 cents in R.S.No.194/28 situated at Surampally Village of Krishna District, allegedly, after obtaining No Objection Certificate from the Mandal Revenue Officer (MRO), Gannavaram, first respondent herein. In 2005 action was initiated under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), on an allegation that the subject land was assigned to M/s.Manda Yesu, Elesala Subbaiah, P.Uyyaru, P.Kotesu, Harikoti Bikshalu and N.Nagesu. Notice was issued to the petitioner on 28.05.2005. The petitioner submitted explanation. After considering the explanation, by proceedings bearing Rc.No.C/189/2005, dated 18.08.2005, the first respondent ordered resumption of the land for contravention of the provisions under Section 3(2) of the Act. Aggrieved by the same, the petitioner preferred an appeal before the second respondent, being Appeal No.3 of 2006. He also prayed for interim orders. By an order dated 30.12.2006, the second respondent rejected prayer for stay of the operation of proceedings of the MRO. Aggrieved by the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that if the petitioner is dispossessed pending the appeal before the second respondent, even if the petitioner succeeds in the appeal, it would be useless. Learned

Assistant Government Pleader for Revenue (Assignment), however, points out that when the Revenue Divisional Officer rejected the stay application in December 2006, the petitioner filed the Writ Petition after lapse of four months, and therefore, it is not a fit case to interfere in the matter.

After giving anxious consideration to the background of the case and the submissions made by the learned Counsel, this Court is convinced that in a matter like this, the petitioner ought to have been more vigilant in approaching higher authorities to prevent the original authority from enforcing its order. The petitioner took four months time to approach this Court. The delay and laches, therefore, would not warrant any exercise of jurisdiction of this Court in favour of the petitioner. This Court, however, observes that the Revenue Divisional Officer may dispose of the matter within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

24.04.2007

Note: Issue C.C by 26.04.2007.

B/o.

vs